

**Statement of
Mike Pool
Deputy Director
Bureau of Land Management
Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
S. 427, Sloan Hills Withdrawal Act
May 18, 2011**

Thank you for the opportunity to testify on S. 427, the Sloan Hills Withdrawal Act. S. 427 would withdraw approximately 800 acres of BLM-administered public land in Clark County, Nevada, from all forms of location, entry, and patent under the mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing or mineral material sales, subject to valid existing rights. The BLM is presently preparing an Environmental Impact Statement (EIS) for two proposed competitive mineral material sales that would result in two open pit limestone quarries in this area, as required by settlement agreements between the BLM and two mining companies. Because the BLM is still in the process of analyzing the proposed sales, we defer taking a position on this legislation.

Background

The Sloan Hills area is located approximately 15 miles south of the City of Las Vegas, and consists of approximately 800 acres of BLM-administered public lands. The area is surrounded by public lands that are within the Southern Nevada Public Land Management Act (SNPLMA) boundary. The SNPLMA allows the BLM to sell land within this disposal boundary and use a portion of the sale proceeds to acquire environmentally sensitive lands elsewhere in Nevada. When Congress expanded the SNPLMA disposal boundary in 2002 (through PL 107-282), the Sloan Hills area was not included.

The Sloan Hills area has an extensive mineral development history. Separate, but overlapping mining claims were filed on the site almost 30 years ago, with little development occurring until the early 1990s. The two mining claimants in the area subleased their claims to CEMEX (formerly Rinker Materials West, LLC) and Service Rock Products Corp. (Service Rock). CEMEX subsequently filed a mining plan of operations. When the BLM receives a plan of operations for materials that may be common variety minerals and the mining claims were located on or after July 23, 1955, mining operations may not begin until the bureau completes a “common variety determination” to determine whether the materials are locatable under the Mining Law of 1872 (43 CFR 3809.101).

Because the two mining claims overlapped, the BLM completed a common variety determination in 2004 for both sets of claims. The BLM concluded that the claimed materials (limestone and dolomite) were not locatable under the Mining Law of 1872. As a result, the BLM contested the mining claims. The contests were eventually settled, resulting in the BLM agreeing to analyze two competitive mineral materials sales. The settlement agreements do not restrict the BLM’s discretion in approving or denying the proposed sales and the sales must comply with all applicable statutes and regulations (43 CFR 3600).

In 2007, the BLM initiated an EIS to analyze the impacts of the two proposed competitive mineral materials sales. If approved, the projects would consist of two open pit limestone quarries that would operate for approximately 20 to 30 years, eventually merging into one open pit. The BLM is finalizing the Draft EIS and upon its release will solicit public comments on whether it should authorize the proposed sales. The Draft EIS will address potential impacts to: air quality, noise, water resources, and socio-economic conditions. The area surrounding Sloan Hills (located within the SNPLMA disposal boundary) may be developed for housing, commercial, and/or industrial uses during the lifetime of the potential sales contracts. Since the EIS process began, the BLM has received more than 800 letters and e-mails opposing or expressing concern about mining the site.

S. 427

S. 427 would withdraw approximately 800 acres of BLM-administered public land in Clark County, Nevada, from all forms of location, entry, and patent under the mining laws, and of disposition under all laws pertaining to mineral and geothermal leasing or mineral material sale subject to valid existing rights.

A withdrawal from the mineral materials laws would prohibit the BLM from selling mineral materials in the Sloan Hills area, and would prohibit any future mineral use of the withdrawn lands, subject to valid existing rights.

The BLM understands the concerns of Senator Reid, the Nevada Congressional delegation, Clark County and the City of Henderson regarding the proposed mineral materials sales, and the potential operations and associated air quality and noise impacts that could occur in close proximity to many neighborhoods. These and other issues will be considered in the Draft EIS.

Conclusion

Thank you for the opportunity to testify. In accordance with the terms of the settlement agreement, the BLM is in the process of analyzing the proposed sales. Consequently, the BLM defers taking a position on the legislation at this time. The Bureau will continue to actively engage the public through an open and transparent EIS process to analyze the potential environmental impacts of the proposed mineral materials sales unless Congress chooses to legislate this withdrawal.